

Remarks:

In the present amendment, applicant has presented an alternative statement of an Abstract of the Disclosure with the specific intent to keep the content below the 150 word limit. Approval of the newly submitted Abstract is requested. Applicant has also corrected the grammatical errors observed by the Examiner in claims 1 and 17 of the present application. Applicant has also amended claim 11 to include the subject matter of claim 15, now cancelled, and added new claims 18-20, which specify the range of suitable softness for the cushion employed in the present invention. With these corrections and additions, the claims of the present application are believed to be in condition for allowance. Applicant therefore requests reconsideration and withdrawal of the rejections of the claims on the basis of the prior art in view of these amendments and the following comments.

Schreyer, U.S. Patent 3,425,761, discloses a shelf lift system that includes side panels or support brackets 14a, 14b. Two links 24a and 26a are pivotally coupled to bracket 14a while two corresponding links 24b and 26b are pivotally coupled to bracket 14b. A shelf support 23a is pivotally coupled to links 24a and 26a while a parallel shelf support 23b is pivotally coupled to the links 24b and 26b so that a shelf or platform 20 fixed to the shelf supports 23a, 23b can be moved between an upper position shown in Figs. 1 and 3, and a lower position shown in Fig 2. "Each of the side panels 14a and 14b is provided with a curved slot 32 a and 32 b, respectively, through which fingers 25a and 25 b at the ends of links 24a and 24b, respectively, project. These fingers bear against the upper edges of slots 32a and 32b to limit the downward movement of platform 20." (Column 3, lines 36-41) There is NO "cushion" present between the abutting portions of the slots 32 and fingers 25. While the Examiner suggests that the contact between the abutting portions of the slots 32 and fingers 25 "is functionally equivalent to a cushion", such is not the case. The ordinary

meaning of the word "cushion" is a pillow or soft pad, anything serving to absorb shock such as a soft padded insole. The metal-to-metal abutting surfaces of slots 32 and fingers 25 do NOT constitute a cushion, or the functional equivalent of a cushion. Schreyer does NOT anticipate the invention claimed in claims 1-6, and the rejection on the basis of Schreyer should be withdrawn.

Fetch, U.S. Patent 883,305, discloses a shelf lift system including a spaced pair of support brackets or flanges 6. One end of first and second bars or arms 3 are pivotally connected to each of the flanges 6 by shafts 7. A shelf 4 is coupled to another end of the bars or arms 3 so that the shelf 4 can move between an upper position, shown in Figs. 1 and 5, and a lower position shown in Fig. 2. One of the bars or arms 3 includes a stop contact or lug 10. Locking members 8 and 9 are located at the forward and rearward ends of the brackets 6. These locking members have primarily a hooked formation and are adapted to engage with lugs 10 projecting from one pair of the arms 3. The rear locking members 9 are disclosed to be "...somewhat longer than the forward locking members 8 so that when the typewriter is released from its forward or operative position, as shown in Fig. 1, it will swing to the rear and throw the lugs into engagement with the locking members 9 without any external assistance. The path of the lug 10 is indicated by dotted lines in Fig. 1 and it will be apparent that upon the rearward swing of the supporting arms 3 the said lug will strike against the vertical end portion of the locking member 9 and also force the same rearwardly until the lug 10 is engaged by the hooked end of the said locking member." (page 2, lines 29-43) There is no suggestion or disclosure that the vertical end portion of the locking member 9 could or should include a cushion as required by claim 1 of the present application. The metal-to-metal striking surfaces of lugs 10 and locking member 9 do NOT constitute a

cushion, or the functional equivalent of a cushion. Fetch does NOT anticipate the invention claimed in claims 1 and 8-10, and the rejection on the basis of Fetch should be withdrawn.

Schneller, U.S. Patent 3,857,623, discloses a swingable shelf assembly to permit the lowering of a shelf 3 or 4 to permit easier access. The assembly includes support rods 9 pivotally connected at one end to supporting strips 35 that can be mounted to a cabinet 1. At the opposite ends, the support rods 9 are pivotally connected to strips 50 supporting shelf 4. The movement of the shelf 4 from an upper position, shown in the various figures in solid lines, to a lower position, shown in phantom, is resisted by springs 26 or beveled spring washers 41. The resistance of springs 26 can be adjusted by movement of thumb screw 27 in slot 28. The lowermost position of the shelf 4 can be regulated by eccentric stop 48. There is no disclosure or suggestion in Schneller that the stop 48 could or should constitute or include a cushion as required by claim 11 as now amended. There is no basis in the reference itself to suggest that stop 48 is the functional equivalent of a cushion. No possible combination of Schneller with Schreyer, previously discussed, can make up for this common lack of disclosure. As a result, the proposed combination of Schneller with Schreyer would not suggest the claimed invention to one of ordinary skill in the art, and the rejection of claims 7, 11, 15 and 16 should be withdrawn.


The addition of Fetch, previously discussed, to the proposed combination of Schneller with Schreyer still does not cure this common lack of disclosure. As a result, the proposed combination of Fetch with Schneller and Schreyer would not suggest the claimed invention to one of ordinary skill in the art, and the rejection of claims 12-14 should also be withdrawn.

Koch, U.S. Patent 2,541,075, discloses a shelf or platform 2 supported by a pair of pivotable levers 9 and 10 for movement between an upper position shown in Fig. 1 and a lower position shown in Fig. 3. A spring retracted latch 22 has at its lower end a hook 26.

“This hook engages with pins 27 which are connected to levers 8, 9 and when they are in engagement will prevent any tendency of the platform 2 to move vertically when it is in the well of the desk.” (Column 2, lines 18-22). There is no disclosure or suggestion in Koch that the latch 22 or hook 26 could or should constitute or include a cushion as required by claim 17 as now amended. There is no basis in the reference itself to suggest that hook 26 is the functional equivalent of a cushion. No possible combination of Koch with Schneller, previously discussed, can make up for this common lack of disclosure. As a result, the proposed combination of Koch with Schneller would not suggest the claimed invention to one of ordinary skill in the art, and the rejection of claim 17 should be withdrawn.

Applicant respectfully requests that, upon reexamination of this application, all claims be allowed and this case be passed to issue. The subscribing attorney requests the courtesy of a telephone interview should the Examiner identify an informality that could be addressed by an Examiner’s amendment.

Respectfully submitted,


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